

## **REMARKS**

### **Status of Claims**

The Office Action mailed January 31, 2005 has been reviewed and the comments of the Patent and Trademark Office have been considered. Claims 11, 12, and 14 were pending in the application. Claims 11 and 14 are amended, no claims are canceled and claim 16 is newly added. Therefore, claims 11, 12, 14, and 16 are pending in the application and presented for reconsideration.

This amendment adds and changes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

### **Rejection under 35 U.S.C. § 112, second paragraph**

Claims 11 and 12 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicants have amended the claims to address the issues noted in the office action and submit that the pending claims are now in definite form and meet the requirements of § 112, second paragraph.

### **Prior Art Rejections**

In the Office Action, claims 11, 12, and 14 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. patent 6,298,298 to Tange et al. (hereafter "Tange"). Claims 11 and 14 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. patent 6,175,799 to Tsutsumi et al. (hereafter "Tsutsumi"). Claim 12 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Tsutsumi in view of U.S. patent 5,540,299 to Tohda (hereafter "Tohda"). Applicants respectfully traverse these rejections for at least the following reasons.

Each of the independent claims 11, 14, and 16 recite, *inter alia*, that the correction quantity becomes **smaller** as the vehicle speed becomes **higher**. The claimed *correction quantity* is used to calculate a command vehicle speed such that the command vehicle speed is obtained by *subtracting* the *correction quantity* from a first value calculated from a sum of the vehicle speed and the command vehicle speed variation. That is, the claimed correction quantity is a vehicle velocity *decrement* term.

First, Tange discloses a lateral G correction coefficient  $\Delta Y_G$  is decreased by a relatively steep gradient in accordance with the increase in the vehicular velocity  $V_s$  at step 4 in Fig. 3 and a graph in Fig. 4.

However, this correction coefficient  $\Delta Y_G$  is for correcting the lateral acceleration and is not for directly correcting the *command vehicle speed* in the pending independent claims.

Second, the change of the correction efficient  $\Delta Y_G$  according to the vehicle speed functions to correct a vehicular velocity decrement variable  $V_D(G)$  (that best corresponds to the claimed correction quantity) so that the vehicular velocity decrement variable  $V_D(G)$  becomes *larger* as the vehicle speed becomes *higher*. This relationship disclosed by Tange is the opposite of that recited in the pending independent claims.

That is, a feature disclosed by Tange that the lateral G correction coefficient  $\Delta Y_G$  becomes smaller as the vehicle speed becomes higher, as shown in Fig. 4, inevitably leads to the relationship that the vehicular velocity decrement variable  $V_D(G)$  becomes larger as the vehicle speed becomes higher, as is clear from the following steps (1), (2) and (3).

(1) The lateral G correction coefficient  $\Delta Y_G$  becomes smaller as the vehicle speed becomes higher (Fig. 4 ).

(2) A lateral acceleration coefficient  $Y_{GC}$  increases as the lateral G correction coefficient  $\Delta Y_G$  becomes smaller ( $Y_{GC}=|Y_G|-\Delta Y_G$ , at step S5 of the flowchart in Fig. 3, column 6, lines 46-49).

(3) The vehicular velocity decrement variable  $V_D(G)$  becomes greater as the lateral acceleration coefficient  $Y_{GC}$  becomes greater (i.e., increases). Fig. 5 clearly shows this relationship.

Therefore, it is clear that when the lateral G correction coefficient  $\Delta Y_G$  becomes smaller as the *vehicle speed* becomes *higher*, the vehicular velocity decrement variable  $V_D(G)$ ( which corresponds to the claimed *correction quantity*) becomes *greater* as the vehicle speed becomes higher.

Therefore this feature of Tange is the opposite of that claimed in the independent claims and effectively teaches away from the claimed invention.

With respect to Tsutsumi, it should be noted that Tsutsumi corresponds to Japanese Patent provisional Publication (Heisei) 11-314537 cited in “the background of the invention”

section of the specification of the present application and this reference only discloses a feature of limiting an actual lateral acceleration of the vehicle within a preset value.

Furthermore, in column 10, lines 13-21 (cited in the office action), Tsutsumi discloses that when a vehicle speed limiting according to the lateral acceleration is executed, the increase of the vehicle speed is suppressed so as to prevent the lateral acceleration from excessively increasing.

However, Tsutsumi does not disclose anything corresponding to the *correction quantity recited in the pending independent claims*. Furthermore, Tsutsumi does not disclose that the correction quantity for correcting the command vehicle speed becomes smaller as the vehicle speed becomes higher.

Thus, neither Tange and Tsutsumi discloses features recited in the pending independent claims. In order for a reference to be utilized as an anticipatory reference under the provisions of 35 U.S.C. § 102, the reference must disclose each and every claim limitation. This is certainly not the case here, and thus the Sec. 102 rejection as to the pending independent claims must be withdrawn.

Furthermore, the features discussed above are also missing from the disclosure of Tohda. Accordingly, these claims are believed to be patentable over the cited prior art.

The dependent claim 12 is also allowable for at least the same reasons as the respective independent claim on which it ultimately depends. In addition, it recites additional patentable features when considered as a whole.

**Conclusion**

In view of the foregoing amendments and remarks, applicants submit that the application is now in condition for allowance. If there are any questions regarding the application, or if an examiner's amendment would facilitate the allowance of one or more of the claims, the examiner is courteously invited to contact the undersigned attorney at the local telephone number below.

Should additional fees be necessary in connection with the filing of this paper, or if a petition for extension of time is required for timely acceptance of same, the Commissioner is hereby authorized to charge deposit account No. 19-0741 for any such fees; and applicants hereby petition for any needed extension of time.

Respectfully submitted,

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